

**TOWN OF HAMILTON  
BOARD OF SELECTMEN  
FEBRUARY 5, 2015**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Thursday, February 5, 2015 with Chair Scott Maddern, Jeff Hubbard, Marc Johnson, David Neill, Jennifer Scuteri present. Town Manager Michael Lombardo and DPW Director Bill Redford also present.

**Call to order**

Scott Maddern called the meeting to order at 7:00 p.m.

**Public Comment**

None.

**Chairman/Selectmen reports**

David Neill reported that it was nice not to be shoveling snow. Marc Johnson thanked the DPW for good job snowplowing and reminded residents to clear access to fire hydrants. Jeff Hubbard concurred with Johnson, and noted that there are areas in Town that still need snow removal work, suggested telephone numbers be provided especially for residents who need to replace trash cans, that snow on Railroad Avenue is only allowing parking on one-side of street and sidewalk needs to be plowed in front of Willow Street public parking lot. Jennifer Scuteri agreed that public works did a good job snowplowing.

Maddern noted that the HW School Committee was nearing adoption of Excess & Deficiency policy changes, Patton Park pool project is smaller and CPCs in Hamilton and Wenham appear positive and will be taking formal votes toward having this project voted on at ATM, BOS liaison roles were posted on the Town's website relative to how the Board works with Hamilton's other boards and committees.

**Town Manager's report**

Town Manager Michael Lombardo has helped with collaboration between use of buildings at Senior Center and HW Community House especially relative to consolidating Town events (i.e., Fourth of July). Town Moderator Bruce Ramsey is not

seeking re-election and candidates are needed for this role after ATM so Lombardo or Ramsey can be consulted about the position.

He noted that snow removal has been a challenge with priority to keep streets open followed by shoveling out hydrants and improving sight lines identified by the police department relative to safety issues. Public works is going to use a front end loader to remove snow from downtown.

## **CONSENT AGENDA**

- Formally accept for the Town of Hamilton a special bequest made under the terms of the will of Dr. Kenneth W. Gregg, formerly of Sagamore Street. Dr. Gregg desired that the funds be directed for the particular use in the upkeep and maintenance of Weaver Pond.
- YuKan Sports, LLC seek permission to use Town roads for a **Half Marathon by the Sea** road race to be held September 27, 2015. The route includes primarily Chebacco Road.
- **Approve Minutes** – November 17, 2014 – Regular Session; January 12, 2015 – Regular Session

Maddern entertained a motion to approve the Consent Agenda. Johnson so moved. Scuteri seconded the motion. Hubbard put a hold on the November 17, 2014 Regular Session minutes because Jennifer Scuteri made a change. He read into the record his email message to Scuteri from January 15, 2015 asking for the reason for the change: "Jen why and what is the reason you feel that it is necessary and relevant to make this addition to the minutes: Hubbard stated that in large part the tax rate has remained stable (through fiscal 2014) due in large part because (home) valuations have increased at the same rate as government spending, which has increased at 8%." In response to Neill, Hubbard agreed that he did say this.

Discussion ensued about how this set of minutes has been reviewed for a number of Selectmen's meetings. Hubbard opined about the changes that Scuteri makes to the BOS minutes related to him as a waste of his time and Minutes Secretary Jane Dooley's time. He asked the Board to follow a policy process like the Planning Board does where any additions or changes to the minutes take place at the meeting so the Board can discuss the changes together as a group rather than have emails fired back and forth wasting his time. Scuteri noted that since the date of the meeting (November 17) it has been two months with her comments provided timely to the minutes keeper who believes this is an accurate record. The changes were communicated to the entire Board and in the six years that she

has been on the Board this process has worked efficiently. She added that Mr. Hubbard has had two months to discuss and say this is not what was said when it is what was said and it is time for the Board to vote. Neill mentioned he would have a concern if words were put into someone's mouth or a comment was made but this is not the case he remembers Hubbard making the statement. Johnson described how of the eight weeks, four weeks were going back and forth about the statement made by Hubbard and Dooley responded articulately three times what the change was and he did not want this situation to happen again and suggested the Board vote on the minutes. Hubbard stated that so this does not happen again is his point of bringing this up and he said it is not working for him or the other Board members to have Jen Scuteri pick out what he says at the meetings and have Dooley change the minutes; this is wasting staff time. Maddern complimented minutes' work done by Dooley, Board members who have served as clerk, noted that mechanism of commentary on minutes is a highly efficient process, and asked for the Board vote on the Consent Agenda (including November 17, 2014 minutes). VOTE: 4-1 with Hubbard opposed.

## **AGENDA**

- "Patton Homestead Non-profit Feasibility Study" Final report presentation by Stefanie Joy Muscat, Principal of Bevara

Maddern summarized how Joanne Patton generously donated the property to the Town which was accepted by Hamilton, Board of Selectmen signed the acceptance, Town Meeting voted to accept the property and for the Selectmen to sell a portion of the property.

Stefanie Joy Muscat presented the results of the non-profit feasibility study for the Patton Homestead done by Bevara. The organization hired in 2014 by the Town assessed the feasibility of a non-profit structure to manage the Patton Homestead and study was funded by grant from the Mass. Cultural Council. She thanked all involved particularly the Patton Advisory Committee, Town Manager Michael Lombardo, Administrative Assistant Maureen Hickey, members of Patton family, and 162 people and organizations who contributed as well as Hamilton resident Leandra DeFeo.

Bevara has determined that a non-profit structure is appropriate for the planning and management of the Patton Homestead where a mission-driven entity would use surplus revenues for self-preservation, activities and plans. Two scenarios were investigated: an existing and capable non-profit or creation of new non-profit to oversee the property. Bevara recommends a new non-profit (Friends of the Patton Homestead FPH) partner with one or more non-profit organizations with established identity to

achieve purpose of Patton Property and to ensure long term financial stability and capacity.

Based on considerable community and stakeholder input including from a community survey, Bevara has determined three primary components for the purpose of the property: honoring the Patton legacy, community engagement, and public service with emphasis on veterans. The most important advantages of a non-profit model consist of the community's role (thus widening the pool of stakeholders and leaders), eliminating planning and daily management stress from the Town, and allowing for fundraising as a tax exempt 501(c)(3) entity.

Activities and programs available to a new nonprofit identified during the community phase, and in talking to potential partners are workshops, exhibitions, opportunities for food and retail. This could include partnering with Green Meadows as well as activities involving the archives. A potential program for military families could be information on how to care for their own collections and space to donate items. Bevara suggested the care of the archives be transferred to the new nonprofit entity, and that Carol Mori be retained as a valuable resource with standards she implemented continued by whomever is involved in the archives' care.

Bevara recommends for the FPH non-profit (not member based due to administrative requirements) to be financially sustainable that revenue should be derived from programs and activities such as workshops, exhibitions, opportunities for food and retail, annual donations, grants and funds from private foundations. The report provides leadership recommendations with details about how to form a non-profit with the ability to procure financial resources and govern itself through using a Founding Board of Directors to create the new non-profit and partner with an existing non-profit organization.

Bevara has proposed a mission statement for the new non-profit organization's leadership: *"The Friends of the Patton Homestead represents a cross-section of the community, people bound together by a commitment to support the Patton Homestead and its archives; create opportunities for community engagement; preserve, maintain, and promote the Patton family legacy and commitment to public service."*

With regard to partnerships and collaborations, many regional and national entities have expressed interest and support for the Homestead as discussed in Bevara's report. Bevara has evaluated whether or not three existing non-profits that expressed strong interest could form an alliance with the FPH including Farmsteads of New England,

Inc., Patton Veteran's Project, and the Patton Foundation. Human services agency Farmsteads of New England, Inc. has developed a farming community catering to people with autism and other developmental disabilities. Bevara believes that community service is essential to the purpose of the Patton property but Farmsteads of New England would require considerable on-site construction and adaptation of existing buildings to provide long-term, live-in services which is outside of the scope of the property's gift agreement.

Therefore, Bevara's view is that the other two non-profit organizations with a veteran focus warrant collaboration and it encourages the Town and FPH to partner with the Patton Veteran's Project and Patton Foundation.

The Patton Veteran's Project (also known as I WAS THERE Film Workshops), a 501(c)(3) created by Benjamin Patton, the youngest grandson of WWII's General George S. Patton Jr., offers filmmaking workshops for veterans and military families coping with post-traumatic stress. Bevara recommends that at the very least, space should be provided for use by the workshops as a possible rental income source for FPH and if this organization continues to grow financially it could expand its role at the Homestead.

The Patton Foundation, also a 501(c)(3), founded by Helen Patton, connects the legacy of General George S. Patton, Jr. to the contemporary study and practice of leadership; continuing and expanding the Patton family concern for the troops, veterans and their families, and helps veterans mend, heal and reintegrate into their families and communities and perpetuates the memory of the WWII Generation. This organization has a stronger presence in Europe than the U.S. and a full picture of their financial capacity could not be ascertained so Bevara has suggested in its report that a test project be done with this non-profit.

Risks associated with a non-profit at the Patton Homestead are outlined in the report. Two in particular are the Town and non-profits would need to increase transparent, accountable communication to local residents about what is happening at the Patton Homestead property to foster understanding and engagement, and capital costs to maintain aging buildings on the site need to be known (this is being assessed in a separate consultant report done with the Town) and so Board of FPH could be part of financial planning. Muscat reiterated that a new organization is feasible, and sustainable, if successful partnerships with the Town, and existing nonprofit(s) can be established to carry out purpose of gift to benefit the community and honor the Patton legacy.

Selectmen reacted to the study recommendations with Scuteri noting that Patton Advisory Committee will weigh in on February 11, and that the report gives direction on non-profit structure that would pay rent or a P.I.L.O.T. to the Town. Also, that the veteran focus at the Homestead is not a requirement of the gift agreement but is meaningful to Patton family. Johnson stated importance that the gift be an asset not a burden to the Town and the history could be respected with a non-profit that is self-sustaining rather than use tax dollars for property governance and maintenance. He suggested that over time there could be more community benefit at the Homestead.

Discussion ensued with Hubbard about determining five FPH Board members and recommendations for Carin Kale, Georgina Feldman, Captain Richard Barbado and their credentials to carry out three core purposes. Muscat described how Founding Board would create a nominating team for potential board that would be self-governing. She summarized backgrounds for Barbado's being military and affiliation with the Patton Veteran's Project, Kale's state governance experience and support of mission, and Feldman's work at the Secretary of State's office writing handbook on how to create a non-profit as well as decades of non-profit experience, and her work with Mrs. Patton.

Hubbard opined that there is a perception that could be construed by some in the Hamilton community that it appears as if Mrs. Patton gave the gift to the Town, she is getting a non-profit to run the Patton archives, and her children's (Ben and Helen Patton) non-profit charities benefit. Hubbard then spoke to the gift as a whole and opined that a con is 12 moderately priced housing units proposed to be built on a portion of the Patton property that the Town will sell to a developer. He noted that the Town will receive \$166,000 for affordable housing in a different location in Hamilton. Of the \$1 million property purchase price for the land where housing will be located, taxpayers will get \$750,000 and \$250,000 is designated to go to the Patton Homestead for maintenance and repairs. In addition, there will be a small Patton museum and sign noting community support of veterans. Hubbard opined about the downside of cost of maintaining facilities and structures on the property regardless of the non-profit. He opined that it will cost up to \$1 million to get the Patton Homestead to be ADA compliant. Hubbard inquired about if there is a budget to get building up and running for a non-profit and what cost would be for taxpayers annually. He referred to annual property tax revenue of \$160,000 from 12 housing units versus entire \$2.5 million Patton property generating \$45,000 in property taxes. He opined that the sale of land and property taxes will augment what it will cost to maintain Patton Homestead.

Johnson spoke to objective to sell a portion of the Patton property land to cover the cost burden for the Town so there is an asset for Hamilton that is cost neutral. Hubbard opined that there has never been a discussion with the community and Planning Board about what the community is willing to accept with the property. He suggested the community might be ready to forego property tax. He opined about how the development would cause the Town to lose a scenic view with houses visible from the street and that units are for affluent buyers at \$675,000. Hubbard referred to alleged GPOD issue at the site.

Discussion ensued with Neill about three non-profits that Bevara had investigated for the site. Muscat reiterated that Bevara had researched six organizations and of the three most interested it does not recommend Farmsteads of New England, Inc. as a viable partner since it would require long term live-in services at the site. Muscat noted that the Dwight D. Eisenhower Farmstead would be a good collaborator versus a partner for programs. She also contacted the Peabody Essex Museum but its mission is out of scope. Of the 15 organizations contacted by Muscat that were military or in geographic area the recommended partners were the organizations that expressed interest in the shorter term. Neill suggested that once the foundation is formed for the Patton Homestead then PEM might be interested in displaying artifacts.

Neill inquired about if the two Patton agencies came to the Patton Homestead then this appears that it would be a permanent arrangement. Muscat stated that creating FPH is important because it would balance Patton legacy so the activity and leadership of FPH managing the property would offset that possibility staying within the realm of the Patton family. Lombardo mentioned that a non-profit is the best solution for independent management with strong community ties and this nimble organization could apply for grants (i.e., Mass. Cultural Council) and work with other partners in fundraising.

Georgina Feldman, a Beverly resident who works for Mrs. Patton, described how the full study information on the Town's website outlines details/ideas considered. She explained that if the initial Board of Directors for FPH goes forward they would act as incorporators filing with AG and Secretary of State and creating a business plan. Then a Board of Directors is elected that could include some of the incorporators. Feldman stated that the Patton children are business people and understand the expectation of the role as a partner in a non-profit arrangement.

Muscat specified that she had no conversations with Mrs. Patton about the non-profit or with either of her children. She emphasized that she had an independent look at the Patton Veteran's Project and the Patton Foundation.

Carin Kale described how she was the person who wrote the RFP to secure the grant funds and services. She summarized how Annette Janes' "History of Hamilton" refers to the donated land that has been so important to Hamilton. Also in her role with the League of Women Voters she continually encounters how the townspeople love open space. She mentioned that if she serves on initial Board of Directors she would keep the community's interest in mind and would foster the fundraising to maintain the Homestead facility and honor veteran legacy. Lombardo acknowledged Maureen Hickey for a job well done organizing meetings, events and documents associated with Patton Homestead.

Maddern concurred with interest in fundraising and suggested the Patton Advisory Committee make a decision about the proposal for a non-profit and report to BOS with consideration for all initially involved in project within a month to two month maximum. If plans are to move forward incorporators would begin working in March and file 501(c)(3) paperwork in June. Hubbard suggested that the Patton Advisory Committee or others provide information on costs to get building, property, parking, etc. up to par and expected ongoing operating expenses that taxpayers can expect to pay including programs as well as total annual cost to date (3 years) for Town.

Johnson stated that it should not take the Patton Advisory Committee very long to evaluate non-profit feasibility study when it is a right next step and that an update should be reported at ATM. The goal of the non-profit is to take the burden off the tax rolls and is an educational opportunity. Lombardo suggested work could be done with Committee to write a memo describing next steps and responsibilities for Selectmen to consider and discuss at a future BOS meeting in preparation for ATM.

- Receive articles from the Planning Board and vote to place them on the Warrant for ATM

Maddern explained that BOS has not received any articles from Planning Board yet so this agenda item will not be discussed by Selectmen tonight.



- Discussion of water rate increase with Bill Redford, DPW Director. Vote on water rates.

The BOS and FinCom have been reviewing proposal for water rate usage and service charge increase. Selectmen vote on this matter in role as Water Board. DPW Director Bill Redford described how the original proposed service charge change had to be increased from \$55 per quarter to \$60. Discussion ensued about how the Town has level water service rates with changes every five years. Water usage will support operating costs for the water enterprise and service charges will pay for capital costs and debt. Operating costs are tied to how much water is used. The water rates are being increased to pay for increased debt associated with water infrastructure improvements (\$613,000 to \$884,000) as well as retained earnings for capital expense. There will be a 40% increase in water usage rates to cover operating costs and includes non-bonded capital. Included in debt service is water treatment plant with half of cost paid for with tax rate and half with water enterprise, filter upgrades, Phase I - \$5 million water main replacement program. At ATM the Town will as for another \$5 million for Phase II.

To cover the debt structure the recommendation is \$60 for quarterly water service charge and this will be \$83 in five years relative to debt service in 2020. Hamilton's water customers are primarily residential with some commercial and educational (i.e., GCTS). Redford described benchmark comparisons done with cohort community water rates per 1,000 gallons. The current bill for average resident based on 10,500 water usage per quarter for annual bill is \$230 and this will increase to \$438 annually with new proposed rate of \$60 for quarterly billing cycle equally \$240 annually. There is expectation in water rate for population growth.

Lombardo summarized 40% rate increases for sufficient retained earnings to pay down debt, additional capital that is not bonded and operating expenses. The Town's existing water rates are extremely low compared to peer and neighboring communities and will still be reasonable with increases, and anticipates an additional \$5 million for water infrastructure improvements. The Town has been addressing 60 year old water mains and leaking bleeder valves pouring huge quantities of water a year into the ground. A second \$5 million for Phase II of water infrastructure improvements will bring the Town's water system current. In six years when these projects close out Hamilton will decide if a Phase III will be done or not. A peer review is being done this year of water system since there are water treatment plant and water storage issues that need to be addressed. The CIP might warrant a broader discussion.

Johnson moved to adopt motion as proposed by Town Manager Michael Lombardo including the consideration of the changes to make sure it works for the current billing cycle as reflected in the memo. Lombardo's motion was for the Board of Selectmen to approve the quarterly water rates structure as listed in the memo from Bill Redford to Michael Lombardo dated February 5, 2015 (which will be submitted for the record) effective with all commitments to process after January 23, 2015 (reflects February billing). Scuteri seconded the motion.

Discussion ensued about importance of communicating how water rate increase does not affect tax rate, that Hamilton has low water rates, and how this relates to debt and proactive effort to improve water system. Information will be put on the Town's website and explanation included in first quarterly bill when increase will be implemented. Discussion addressed how some residents have hydrants on their properties so they pay a special fee.

In response to Hubbard, Redford explained that the water service connection fee is paid quarterly and includes small amount of debt payment. When the Town's debt service is completed the service charge can be changed without changing the water rate. Discussion ensued with Hubbard about 40% increase including \$150,000 in retained earnings annually that he opined should remain with taxpayers. Lombardo explained how the water rates have to be adjusted to pay for increased operating costs and \$150,000 allows for water enterprise to function so Town does not have to go to taxpayers as part of annual budget when well redevelopment needs to happen or water department vehicles have to be replaced. Also there is going to be an increase at the end of the debt service period. The intent is to keep the water rates balanced for the next five years. Hubbard opined that budget should be used in such a way that money is not taken from taxpayers until it is needed. He cautioned the Town about comparing Hamilton's water rates to neighboring communities because there may be a lower water rate but a higher tax rate than cohort towns and one time increase of \$200 to \$250 a year in annual bill is a big hit and he suggested the Town look at alternative ways to implement the increase (i.e., gradually over five years).

Johnson weighed in that proposal is to put future increases in water rates now to manage debt service as part of tackling 50 years of infrastructure. In response to resident Duke Seaver, Redford explained that a developer pays for new water connection system when a new development is done. Maddern noted how Town is responding to DOR's mandate that Hamilton's water enterprise fund has to pay for itself relative to increased cost. Rick Mitchell described how the cost is going up from half a cent per gallon to one cent a gallon.

Maddern asked the Board to vote on the motion to accept the proposed water rates.  
VOTE: 4-1 Hubbard opposed.

- Town Manager Contract Renewal

Maddern explained how this topic has been discussed twice and final draft of amendment to Town Manager Michael Lombardo's contract has been circulated. There will not be any change in compensation in the three year contract renewal just an extension of expiration of original agreement. The reason for the renewal is Lombardo's good performance reviews by Board and he has had many opportunities to be recruited away from Hamilton and the continuity in local government is important.

Maddern entertained a motion to approve the amendment to the employment agreement with the Town manager. Scuteri so moved. Neill seconded the motion. Hubbard stated that he did not support the motion since the Town manager's performance rating is not unanimous by the Board of Selectmen nor is it by the community, and he opined that on this year's budget the Town manager's salary is going to be \$191,000. Lombardo clarified that this number is for the Town manager's budget including all personnel. Maddern reiterated that there is no change in pay in the amendment.

Hubbard opined that the total Town manager budget is \$270,000, and for the Board to extend the Town manager's contract when there is 18 months left in the contract is putting the Town at further liability because if something occurs 24 months from now not to the Town's liking it would be more costly to make a change in the Town manager's position. Maddern clarified that there has been no change in any terms of termination or resignation and how these would be dealt with regarding notice or conditions and reiterated reason for extension based on Lombardo's good performance. Johnson said he was in favor of the extension. Scuteri noted correction to what Hubbard stated for public that Town manager does not make \$190,000. Hubbard clarified that the Town manager's budget is \$270,000. Scuteri recommended that once contract extension is approved that it should be made available for the public to provide correct information. Neill reiterated that the terms of the contract are not changing just the time is being extended, Lombardo has done a good job, and stability for the Town comes from the extension, and there are no contract changes in how termination or resignation would be handled.

Maddern called for the vote on the amendment and asked for who was in favor of the amendment to contract for the Town manager. VOTE: 4-1 with Hubbard opposed.

- **Set date of next Selectmen meeting**

The next Selectmen's meeting will be held on Tuesday, February 17.

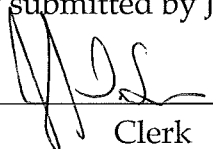
**NEW BUSINESS**

**Consideration of topics for discussion at future Selectmen's meetings**

Discussion ensued about topics for upcoming Selectmen's meetings including Planning Board and Zoning Board of Appeals memorandums on ATM warrant article about which Town board should have responsibility for site plan review. Johnson recommended the BOS review the memorandums and communicate this to the public. Hubbard opined that there should be a policy discussion on what is the best use of Town's Facebook page since he thought there was a lot of information about the pool project versus Patton housing. Lombardo suggested Hubbard call him to discuss. Another topic is Chapter 61A acquisition policy and how this could be under the purview of Director of Planning and Inspections Patrick Reffett. At future meetings HDC President Brian Stein will provide a summary of visioning/planning sessions, and there will be an update on pool project, Patton housing, site plan review, and cell tower (Bill Wilson, cell tower locating expert is meeting with Reffett).

Johnson moved to adjourn at 9:06 p.m. Neill seconded motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST:  \_\_\_\_\_  
Clerk